

FILED

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2013 MAR 22 P 4: 28

U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

Margaret A. Burke

Plaintiff,

v.

Kastle Systems International LLC
6402 Arlington Blvd.
Falls Church, VA 22042

And

Kastle Systems LLC
6402 Arlington Blvd.
Falls Church, VA 22042

And

Stephen Harrup
6402 Arlington Blvd.
Falls Church, VA 22042

Defendants.

COMPLAINT

CIVIL ACTION No. 1:13cv384
JURY TRIAL DEMANDED JCC/TCB

COMPLAINT

Plaintiff Margaret A. Burke ("Mrs. Burke" or "Plaintiff"), by counsel, hereby complains and alleges as follows:

NATURE OF THE CASE

1. This is an action brought under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §201 *et seq.*, by Mrs. Burke against Defendants Kastle Systems International LLC, Kastle Systems LLC ("Kastle"), and Mr. Stephen Harrup (collectively referred to as "Defendants") for minimum wage and overtime violations of the FLSA. Plaintiff seeks her unpaid minimum and overtime wages, an equal amount as liquidated damages,

plus pre and post-judgment interest, as well as her reasonable attorney's fees costs and expenses.

JURISDICTION AND VENUE

2. This court has subject matter jurisdiction over the FLSA claims under 28 U.S.C. § 1331 and 28 U.S.C. §1337.
3. Venue is proper in this district and in this division by virtue of 28 U.S.C. §1391(b) because, among other reasons, a substantial part of the events or omissions giving rise to the claims occurred in this district and in this division.

THE PARTIES

4. Mrs. Burke is an adult female resident of Oxon Hill, Maryland. From on or about January 18, 2010 until on or about February 1, 2013, Mrs. Burke was employed by defendants in Falls Church, Virginia.
5. Kastle Systems International LLC, ("KSI") is a Virginia limited liability company with its headquarters in Falls Church, Virginia. KSI, at all times relevant to this Complaint, conducted business activity in throughout the D.C. metropolitan area, including in Fairfax County, Virginia, in this district and in this division.
6. Kastle Systems LLC, ("KS") is a Virginia limited liability company with its headquarters in Falls Church, Virginia. KS, at all times relevant to this Complaint, conducted business activity in throughout the D.C. metropolitan area, including in Fairfax County, Virginia, in this district and in this division.
7. From about October, 2011 until the present time, Defendant Stephen Harrup ("Harrup") served as Vice President for Client Services of KSI and KS. At all times relevant to this Complaint, Harrup exercised significant control over the day to day operations and

happenings at KSI and KS including the power to select and hire any employee, the power to fire any employee, the power to set wages and compensation for any employee, and the power to control any employee. At all times relevant to this Complaint, Harrup was an employer of Plaintiff under the FLSA.

FACTUAL ALLEGATIONS

8. On information and belief, KSI, KS and Harrup each have an annual gross volume of sales or business done of \$500,000.00 or more at all times relevant herein.
9. All three Defendants were collectively and/or individually, an enterprise engaged in interstate commerce or in the production of goods for interstate commerce as defined by the FLSA, at all times relevant herein.
10. At all times relevant, Defendants conducted business in multiple states including but not limited to Maryland, D.C. and Virginia.
11. Mrs. Burke was jointly employed by the Defendants for purposes of the FLSA at all times relevant to this Complaint.
12. Defendants and/or their agents required and/or suffered or permitted Mrs. Burke to work hours for which she was not compensated and/or for which she was not compensated at the minimum wage and/or overtime rates required by the FLSA.
13. Mrs. Burke regularly worked uncompensated overtime hours, with the actual and/or constructive knowledge of Defendants.
14. Defendants failed to compensate Mrs. Burke at a rate of time and a half her regular rate of pay for all hours over forty worked in a work week.
15. Defendant and/or their agents incorrectly recorded Mrs. Burke's hours of work in order to avoid the overtime and record keeping requirements of the FLSA.

16. Defendants failed to maintain regular pay periods and/or to pay Mrs. Burke in a timely fashion for all hours worked in a pay period.
17. Defendants failed to inform Mrs. Burke of her rights under the FLSA and/or misled Mrs. Burke concerning her rights under the FLSA to minimum wages and overtime wages.

**COUNT ONE—VIOLATION OF FLSA MINIMUM WAGE AND OVERTIME
REQUIREMENTS
(Against all Defendants)**

18. The allegations of the preceding paragraphs are here realleged and reincorporated by reference.
19. Defendants did not compensate Mrs. Burke for all hours that Defendants required and/or “suffered or permitted” Mrs. Burke to work with the actual or constructive knowledge of Defendants.
20. Defendants regularly and willfully required Mrs. Burke to work in excess of 40 hours during a workweek and/or “suffered or permitted” such overtime work
21. Defendants did not pay Mrs. Burke one and one-half times her regular rate of pay for all hours worked in excess of 40 in each workweek (i.e., overtime hours worked).
22. Defendants regularly and willfully violated the FLSA by not compensating Mrs. Burke for all hours she was required and/or “suffered or permitted” to work and/or by not paying all overtime compensation due to Mrs. Burke and/or making deductions from her pay that reduced the minimum and/or overtime wages required to be paid to Mrs. Burke.
23. By reason of the foregoing, Plaintiff has been damaged.
24. Plaintiff demands judgment against Defendants Kastle Systems International LLC, Kastle Systems LLC, and Stephen Harrup, jointly and severally, for unpaid minimum and overtime wages in an amount to be determined at trial, an amount equal to that unpaid

compensation as liquidated damages, interest, reasonable attorney's fees and expenses,

costs, and such other relief as this Court considers proper.

Plaintiff demands a trial by jury.

Respectfully Submitted,

DATED: 3/22/2013



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FAIR LABOR STANDARDS ACT CONSENT FORM

I hereby consent to be a party plaintiff in this action brought pursuant to the minimum wage and overtime provisions of the Fair Labor Standards Act (29 U.S.C. § 201 *et seq.*) to recover my unpaid minimum wages, overtime wages, liquidated damages, attorney's fees and costs from all liable defendants including but not limited to Kastle Systems. I understand that I will be bound by the results of this litigation to recover my unpaid minimum wages and overtime wages. I hereby request that my attorneys be paid reasonable attorney's fees and costs.

Margaret Burke
Full Legal Name (print)

1107 Dumfries St
Mailing Address

Oxon Hill MD 20745
City State Zip

Margaret Burke
Signature

3-19-2013
Date